

**BOARD FOR GEOLOGISTS AND GEOPHYSICISTS**

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E-mail: geology@dca.ca.govWebsite: www.dca.ca.gov/geology**TECHNICAL ADVISORY COMMITTEE MEETING
MINUTES****March 23, 2001****2535 Capitol Oaks Drive, Suite 300A
Sacramento, CA 95833****1. CALL MEETING TO ORDER**

Robert Larson, Chair, called the meeting to order at 9:03 AM.

2. INTRODUCTION OF NEW TAC MEMBER, ROY J. SHLEMON, Ph.D.

Mr. Larson welcomed Roy J. Shlemon, Ph.D. as a member of the Committee.

3. ROLL CALL TO ESTABLISH QUORUM

Robert Larson, Chair
Sharon Jasek Reid
Tony V. Sawyer
Roy J. Shlemon, Ph.D.
Donna Thompson (arrived at 10:15 AM)
Julia Turney

Absent:
David Cummings
Michael Hart

Others in attendance:
Paul Sweeney, Executive Officer
Mary Lynn Ferreira, Associate Governmental Program Analyst
George Dunfield, State Water Resources Control Board
Theodore Smith, California Division of Mines and Geology

*The Mission of the Board for Geologists and Geophysicists is to Continuously Enhance the
Quality, Value and Availability of Geological and Geophysical Services Offered to the People of California*

4. PUBLIC COMMENT ON AGENDA AND NON-AGENDA ITEMS

Theodore Smith, Division of Mines and Geology (DMG), advised that DMG has had long-standing notes some of which the Board and the State Mining and Geology Board have also issued with modifications in some cases. This has caused confusion as to which notes are valid. DMG is starting to revise the notes and will send them to the Board for review and comment.

Mr. Smith also informed the Board that a budget change proposal was approved last year to digitize the file of record for the Alquist Priolo Program. DMG is currently reviewing the copyright law as it relates to selling images of reports and is considering a legislative proposal to make the reports public information after a set period of time so the public can buy a copy of the report.

Dr. Shlemon questioned whether the Board has considered continuing education as a requirement for license renewal. He informed the Committee that the University of California at Davis is contemplating a Masters degree program for professionals. He also advised that the International Erosion Control Association has an excellent continuing education program. Mr. Larson informed Dr. Shlemon that the Board previously considered continuing education requirements.

Dr. Shlemon informed the Committee that there is concern among the profession regarding conflict of interest when an unlicensed academic owns a firm, receives government grants and uses that relationship with government agencies to promote his or her firm. There is also concern that they are tapping funds and using graduate students who are not professionals, which may injure the field of geology in litigation. Dr. Shlemon questioned what effect this would have on the licensing procedure. Mr. Larson informed him that it is an enforcement issue not a licensing issue. He also advised him that the revised Act currently in the Legislature allows academics to use teaching experience to qualify for examination provided the experience is acceptable to the board.

5. APPROVAL OF THE MINUTES OF THE MEETING OF NOVEMBER 3, 2000

Mr. Sawyer moved to approve as corrected the minutes of the meeting of November 3, 2000.

Ms. Turney seconded.

The motion passed by majority. (Aye – Larson, Sawyer, Turney. Abstain – Shlemon)

6. DISCUSSION OF TAC'S ROLE, AND RESPONSIBILITIES OF CHAIR AND MEMBERS

Mr. Larson reviewed the Committee's purpose, protocol and the chair's and members' responsibilities.

Ms. Turney questioned how much communication is permitted through e-mail. Ms. Reid advised that members can communicate by e-mail, but they cannot solicit votes or take an action prior to a public meeting.

7. REPORT ON BOARD MEETINGS OF DECEMBER 1, 2000 AND JANUARY 26, 2001

Mr. Sweeney reported on the December 1, 2000, and January 26, 2001, Board meetings.

The Board approved a joint letter with the Office of Environmental Health Hazard Assessment to environmental professionals clarifying the role of Registered Environmental Assessor II registrants and Registered Geologists in site mitigation activities that was subsequently mailed and posted on both agencies' websites.

The Board approved funding for a booth at the California Mining Association Annual Conference in Monterey on May 23 through 25, 2001.

The Board agreed to send a member to the Public Interest Law Summit on March 23 and 24, 2001, in San Diego. Staff member Tara Torok is representing the Board because the Board members selected as representative and alternate cannot attend.

The Board approved Notices of Public Hearing on April 20, 2001, to amend sections 3005 regarding examination fees and 3008 regarding seals.

The Department of Consumer Affairs, Office of Examination Resources, presented the final Registered Geologist and Certified Engineering Geologist occupational analyses.

The Board discussed the revised Act, which subsequently was submitted to the consultant for the Joint Legislative Sunset Review Committee. Senate Bill No. 136 (Figueroa) will be amended to include the revisions.

The subcommittee revising the experience requirements for licensure presented its report and recommendations. The Board voted to retain the current experience requirements.

The 2001 Strategic Plan will be considered at the April 20, 2001, meeting.

8. REPORT ON SB 136, INTRODUCED BY SENATOR FIGUEROA

Mr. Sweeney reported that SB 136 was scheduled to be heard in subcommittee on April 23, 2001, postponed to April 30, 2001, and postponed again with no hearing date scheduled.

The Board reviewed the final language of the revised Act in December 2000 and January 2001, and no further changes are anticipated. SB 136 will be amended to include the revisions.

Theodore Smith expressed his support of SB 136. He also provided an e-mail he received from Buzz Spellman stating the Association of Engineering Geologists (AEG), Southern California Section's, opposition to AB 136. He expressed the association's particular opposition to sections 7833(c) and 7841(b), (c)(1), (c)(3). Mr. Sweeney advised that he spoke to Mr. Spellman and to Joseph Cota earlier in the week, explaining the status of the bill and the Board's position. Mr. Smith recommended that a representative of the Board address the AEG in Southern California and explain the goals of the revised Act. Mr. Sweeney will attend the joint meeting of the AEG, Southern California Section, and the South Coast Geological Society on April 2, 2001, in San Juan Capistrano.

Mr. Sweeney stated that on March 1, 2001, representatives of the California Council of Geoscience Organizations met with the current and former consultants for the Joint Legislative Sunset Review Committee (JLSRC) and with Senator Liz Figueroa, Chair of the JLSRC and author of SB 136, and expressed strong support of the revised Act.

Ms. Turney stated that she thinks the Sacramento and San Francisco Sections of AEG support AB 136. She suggested that this support be communicated to Senator Figueroa, pointing out that that a few individuals do not represent the entire association.

9. EXECUTIVE OFFICER'S REPORT

Mr. Sweeney reported:

- a.** The Committee received the enforcement report provided to the Board at its January meeting.

The Associate Engineering Geologist position for Enforcement Manager was advertised for five weeks. An applicant was not hired through this process. The Personnel Office approved reclassification of the position to a Senior Engineering Geologist. Many good candidates applied, and the first interviews will be on March 30, 2001. The new Enforcement Manager should be hired by the next Board meeting on April 20, 2001.

- b.** The postcards announcing the Winter 2001 Newsletter were mailed in January 2001. Information Bulletin 01-01 was released earlier this year. Information Bulletin 01-02 is at the printers, and the postcard announcing its availability will be sent next week.
- c.** The Committee received the Executive Officer's Activity Report for December 2000-January 2001, that was presented to the Board at its January meeting.

The Committee received scheduling and attendance statistics for the

examinations that were held on March 16, 2001. The Registered Geologists examinations were sent to ASBOG within the five-day contractual requirement. ASBOG is contractually obligated to provide the candidates' scores by May 19, 2001. The Registered Geophysicist, Certified Engineering Geologist and Certified Hydrogeologist problems have been sent to the graders. The criterion-referenced pass point workshops will be held on March 27, 28 and 29, 2001.

Assembly Bill No. 791 (Chavez) adds section 111187 to the Health and Safety Code. Existing law designates the Department of Health Services (DHS) responsible for issuing licenses for water bottling plants and for ensuring that all labeling requirements for bottled water are met. DHS must ensure that the information on the label or in advertisements purports accurately a specific water type before issuing a license and allowing the label to denote the specific water type. This bill would require DHS to accept as presumptive evidence of compliance with these requirements of existing law, a certification report from a California Registered Geologist submitted in support of an application. DHS opposes to bill. The Board has not taken a position. Mr. Sweeney has referred the bill to the Legislative Committee for review. Mr. Larson recommended that it be determined if springs are defined in California law and if not work with appropriate agencies to establish guidelines on how to determine if it is a spring.

Dr. Shlemon moved to recommend to the Board that it further analyze AB 791 with regard to the role of Registered Geologists in the evaluation required in the bill and that the Legislative Committee also review the bill.

Mr. Sawyer seconded.

The motion passed unanimously.

Mr. Larson asked Mr. Sawyer to begin looking into it in anticipation that the Board will direct TAC to evaluate AB 791.

Donna Thompson and Robert Tepel were appointed to the State Mining and Geology Board.

10. REPORT ON IMPLEMENTATION OF AB 2886 (KUEHL) [DIGITAL SIGNATURES]

Mr. Sweeney introduced George Dunfield, State Water Resources Control Board (SWRCB), to address the status of that agency's regulations implementing digital signatures as required by AB 2886. Mr. Dunfield reported that the SWRCB adopted emergency regulations and plans to finalize the regulations by late summer 2001.

Mr. Dunfield expressed interest in learning what the Board would like to see as a standard for implementing electronic signatures. The Committee and Mr. Dunfield discussed various methods and procedures for using digital

signatures.

11. RECOMMENDATION TO BOARD ON THE PROPER USE OF THE BOARD'S SEALS AND LICENSEES' SIGNATURES (MANUAL AND/OR DIGITAL) ON GEOLOGIC AND NON-GEOLOGIC REPORTS

The Committee reviewed other states' and other California State and local agencies' regulations and requirements regarding the use of seals and signatures and current practices in the profession. It also reviewed draft regulation amendments prepared by Ms. Turney.

The Committee agreed on certain requirements and selected language from various states to be incorporated into the amendments. Mr. Larson requested Mr. Sawyer and Ms. Turney to prepare draft language for review at the next TAC meeting.

12. RECOMMENDATION TO BOARD OF NEW REGISTERED GEOPHYSICIST TECHNICAL ADVISORY COMMITTEE MEMBER

The Committee considered applicants for the vacant Registered Geophysicist membership on the Committee.

Ms. Thompson moved to recommend to the Board appointment of Brian Hirst as the Registered Geophysicist TAC member.

Mr. Sawyer seconded.

The motion passed unanimously.

Ms. Turney moved to recommend to the Board appointment of Martin J. Miele as a backup for appointment as the Registered Geophysicist TAC member in the event Brian Hirst is not appointed.

Mr. Thompson seconded.

The motion passed unanimously.

13. RECOMMENDATION TO BOARD ON ADOPTION OF CHANGES TO PROFESSIONAL STANDARDS

Mr. Larson summarized the history of the development of the Board's professional standards.

Ms. Thompson presented tables detailing the requirements of other states' professional standards/codes of ethics.

The Committee also considered correspondence from David Abbott, American Institute of Professional Geologists, in which he supports a provision in the

professional standards that requires a geologist to submit to the Board allegations regarding potential violations of the Act.

The Committee discussed the information provided. The members will review the information and inform Ms. Thompson of which requirements should be included in the Board's professional standards. Ms. Thompson will compile the recommendations for further review at the next meeting.

14. TECHNICAL ADVISORY COMMITTEE CHAIR'S REPORT

Mr. Larson did not attend the January 26, 2001, meeting. Ms. Turney represented TAC at the meeting and gave a brief report.

15. SCHEDULE AGENDA ITEMS FOR JUNE 22, 2001 MEETING

The next meeting is June 22, 2001. Mr. Larson requested the members to contact him regarding agenda items for that meeting.

Ms. Turney will obtain the Department of Transportation's specifications on security of electronic signatures. Mr. Sawyer and Mr. Larson will draft proposed language to amend AB 791. Mr. Sawyer and Ms. Turney will draft proposed amendments on the use of seals.

16. PUBLIC COMMENT ON NON-AGENDA ITEMS

There was no public comment.

17. ANNOUNCEMENTS

There were no announcements.

18. ADJOURNMENT

Mr. Larson adjourned the meeting at 3:00 PM.

ROBERT LARSON, Chair

PAUL SWEENEY, Executive Officer

Date Approved: June 22, 2001